

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHESTER UPLAND SCHOOL DISTRICT, et al. : CIVIL ACTION

v. :

COMMONWEALTH OF PENNSYLVANIA, :
et al. : NO. 12-132

ORDER CERTIFYING CLASS

AND NOW, this 25th day of April, 2012, upon careful consideration of Plaintiffs' Motion for Class Certification (ECF No. 104) and Amended Motion for Class Certification (ECF No. 123), the briefs submitted in support, as well as the briefs and letters submitted by Defendants, and for the reasons articulated in the accompanying Memorandum Re: Class Certification, it is hereby ORDERED as follows:

1. Plaintiffs' Motion for Class Certification (ECF No. 104) is DENIED as moot.
2. Plaintiffs' Amended Motion for Class Certification (ECF No. 123) is GRANTED in part and DENIED in part.
3. Specifically, the Court hereby certifies the following class pursuant to Rule 23 of the Federal Rules of Civil Procedure:

All parents of students attending Chester Upland School District, including students obtaining or eligible to obtain services pursuant to the Individuals with Disabilities Education Act as amended, and students with a disability protected by the Rehabilitation Act of 1974 as amended, excluding parents of students attending a charter school.

4. The Court also certifies two sub-classes, as follows:
 - (a) All parents of students who attend Chester Upland School District who are obtaining or are eligible to obtain services under the IDEA and/or have a disability protected by the Rehabilitation Act, excluding parents of students attending a charter school.
 - (b) All parents of students who attend Chester Upland School District, excluding the members of subclass (a) (parents of students who are obtaining or eligible to obtain services under the IDEA and/or have a disability protected by the Rehabilitation Act), and excluding parents of students attending a charter school.
5. The class representatives will be T.F., B.C., and M.F. T.F. alone will represent the first sub-class, while B.C and M.F. will represent the second sub-class.
6. Attorneys Michael Churchill and Sonja Kerr of the Public Interest Law Center of Philadelphia are appointed to represent the class and sub-classes.
7. This Order applies only to the federal statutory claims which are the subject of the trial starting May 7, 2012. The Court may further modify the class and sub-class definitions, depending on the evidence presented at later stages of litigation.

BY THE COURT:



Michael M. Baylson, U.S.D.J.